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FEB 22 2012	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD WHEATON,

Defendant.

2:11-CR-310-JCM (RJJ)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on February 22, 2012, defendant RICHARD WHEATON pled guilty to Count One of a Nine-Count Criminal Indictment charging him in Count One with Conspiracy to Distribute Marijuana, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

This Court finds defendant RICHARD WHEATON agreed to the forfeiture of the property set forth in the Forfeiture Allegations of the Criminal Indictment and in the Plea Memorandum. Docket #46.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegations of the Criminal Indictment and the Plea Memorandum and the offense to which defendant RICHARD WHEATON pled guilty.

The following assets are subject to forfeiture pursuant to Title 21, United States Code, Section 853(a)(1) and (a)(2); and Title 21, United States Code, Section 853(p):

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- a. \$81,475.00 in United States Currency (seized from 24/7 Private Vaults, based on keys recovered from Jacob Lill on or about 4/13/11);
- b. \$4,105.00 in United States Currency (seized from Edmund J. Schroback representing the day's drug sales of marijuana by Completely Legal 1.0 on or about 4/13/2011);
- c. \$2,962.00 in United States Currency (seized from the cash register at Completely Legal 2.0 on or about 4/13/2011);
- d. \$2,585.00 in United States Currency (seized from the cash drawer at Completely Legal 2.0 on or about 8/3/2011);
- e. \$1,314.00 in United States Currency (seized from master bedroom of Jacob Lill's home on or about 8/3/2011);
- f. \$12,056.00 in United States Currency (seized from bag in Jacob Lill's vehicle at his home on or about 8/3/2011);
- g. \$2,567.00 in United States Currency (seized from cash drawer at Completely Legal 3.0 on or about 8/3/2011);
- h. \$7,432.00 in United States Currency (seized from Jacob Lill's residence on or about 4/13/2011);
- i. \$2,150.00 in United States Currency (seized from Bank of America Account No, 501012187203 in the name of PMW, Inc., seized on or about 8/5/2011);
- j. \$2,665.00 in United States Currency (seized from Bank of America Account No. 501012645570 in the name of EOS Ventures, LLC, seized on or about 8/5/2011); and
- k. 2007 Mercedes CLK350, VIN: WDBTJ56H57F215349, including approximately \$18,000 in upgrades, including a custom audio system (seized on or about 4/13/11) ("property").

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1 This Court finds the United States of America is now entitled to, and should, reduce the
2 aforementioned property to the possession of the United States of America.

3 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
4 United States of America should seize the aforementioned property.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
6 RICHARD WHEATON in the aforementioned property is forfeited and is vested in the United States
7 of America and shall be safely held by the United States of America until further order of the Court.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
9 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
10 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
11 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state
12 the name and contact information for the government attorney to be served with the petition,
13 pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
15 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
17 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
18 following address at the time of filing:

19 Michael A. Humphreys
20 Assistant United States Attorney
21 Daniel D. Hollingsworth
22 Assistant United States Attorney
23 Lloyd D. George United States Courthouse
24 333 Las Vegas Boulevard South, Suite 5000
25 Las Vegas, Nevada 89101.
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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
2 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
3 following publication of notice of seizure and intent to administratively forfeit the above-described
4 property.

5 DATED this 22nd day of February, 2012.

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9 UNITED STATES DISTRICT JUDGE
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